

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Mills v. Schiavoni

Civil Action No. 1:25-CV-01749 (M.D. Pa. Apr. 1, 2026) · No. 1:25-CV-01749 · Decided April 1, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania denied Derek Lee Mills’s renewed request for appointment of counsel without prejudice. The court held that, although his Eighth Amendment sexual-assault claim could have arguable merit, the discovery disputes and deposition did not establish a need for appointed counsel at that stage of the litigation.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Karoline Mehalchick
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	April 1, 2026
DOCKET	1:25-CV-01749
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner plaintiff in a federal civil rights action filed a renewed request for appointment of counsel to assist with discovery.
STANDARD OF REVIEW	Discretionary evaluation under the framework governing appointment of counsel for indigent civil litigants, including whether the claims have arguable merit and whether the relevant Tabron factors support appointment.
PRECEDENTIAL VALUE	unpublished and nonprecedential

TOPICS

- civil procedure
- discovery dispute
- prisoners rights
- cruel and unusual punishment

PRACTICE AREAS

- civil procedure
- civil rights
- prisoners' rights
- appointment of counsel

QUESTIONS PRESENTED

1. Whether the court should appoint counsel for an indigent pro se prisoner in a civil rights action to assist with discovery and a deposition.
2. Whether the discovery disputes, deposition, and possible future need for credibility determinations or expert testimony constituted circumstances warranting appointment of counsel at that stage.

HOLDINGS

1. Mills was not entitled to appointed counsel at that stage because, even assuming arguendo that his Eighth Amendment claim had arguable merit, he had not demonstrated circumstances showing a need for counsel.

KEY QUOTATIONS

“Counsel should be appointed for an indigent litigant when circumstances indicate “the likelihood of substantial prejudice to him resulting, for example, from his probable inability without such assistance to present the facts and legal issues to the court in a complex but arguably meritorious case.”” (at 1)

“However, on the facts presented, he has not demonstrated the need for appointed counsel at this stage.” (at 2)

FACTUAL BACKGROUND

Mills, a prisoner proceeding pro se, alleged that defense counsel had not fulfilled an obligation to provide requested documents and that his requests for admissions had been denied. Defense counsel responded that discovery responses were forthcoming. Mills also faced a deposition and sought appointed counsel to assist with discovery in his Eighth Amendment sexual-assault claim.

PROCEDURAL HISTORY

Mills brought an Eighth Amendment claim based on alleged sexual assault and previously sought appointment of counsel. He renewed that request, asserting that discovery responses and requests for admissions had not been provided and that he was being deposed. The court denied the renewed request without prejudice, allowing reconsideration if later litigation developments demonstrated a need for counsel.

DISPOSITION

other

CASES CITED

- Parham v. Johnson, 126 F.3d 454, 456-57 (3d Cir. 1997)
- Montgomery v. Pinchak, 294 F.3d 492, 499 (3d Cir. 2002)
- Tabron v. Grace, 6 F.3d 147, 153, 155-57 (3d Cir. 1993)
- Smith-Bey v. Petsock, 741 F.2d 22, 26 (3d Cir. 1984)
- Pew v. Harris, No. 3:12-CV-1984, 2017 WL 1329465, at *5 (M.D. Pa. Apr. 11, 2017)
- Woodham v. Sayre Borough Police Dep’t, 191 F. App’x 111, 116 (3d Cir. 2006)

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